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CLEARINGHOUSE RULE 01-124

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. In addition to the other statutes cited, the analysis should cite s. 97.17, Stats., as being interpreted by the rule.

b. In SECTION 5, “ATCP 80.01” should precede the text.

c. Rules should not restate or duplicate existing requirements. For example, the second sentence of s. ATCP 80.08 (8m) (d) is superfluous. Since the preceding sentence specifies the **only** allowable use for reclaimed water that does not meet the specified requirements, it is not necessary to state that certain other uses are not allowed. What is more, s. ATCP 80.08 (8) (f) already specifies the **only** sources of water that may be used to produce culinary steam. Also, s. ATCP 80.20 (1) (c) is not necessary, since it only reiterates existing requirements. As an alternative, if the department feels that the reader needs to have this information presented here, a statement to this effect can be put in a note.

d. In s. ATCP 80.24 (3) (a) and (b), either the numeral or the spelled-out number should be used, but not both.

e. If the notations “HTST” and “HHST” are to be used in s. ATCP 80.48, they should be defined in s. ATCP 80.01 and then used in place of the full terms they represent, not along with them, as is frequently done in the rule. Otherwise, those notations should be omitted. Also, it would appear that the terms “high-temperature short-time pasteurization” and “higher-heat,

shorter-time pasteurization” should be defined. The two terms should also be consistent in whether or not a comma is used.

f. In the treatment clause of SECTION 42, the second and third occurrences of “(6)” should be omitted. In the text of that SECTION, the corresponding notations should be omitted.

g. The treatment clause of SECTION 43 states that that SECTION amends s. ATCP 80.54 (1) (b) and (c), but the text of that SECTION does not do so. Either the missing text should be inserted or the treatment clause should be corrected.

4. Adequacy of References to Related Statutes, Rules and Forms

a. When specific tests are required, the rule should provide specific information regarding the test. If the rule does not fully describe the test itself, it should either incorporate by reference documents that contain the necessary information for performance of the test or cross-reference another provision of the code that does. Provisions of this rule that require specific tests but do not provide this information include ss. ATCP 80.08 (8m) (b) 4. and 5. and 80.52 (6) (b) 3. In addition, s. ATCP 80.24 (3) does not specify how bacterial counts, coliform counts and yeast and mold counts are to be done.

b. Sections ATCP 80.08 (8m) (c) 1. and 3. should be cross-referencing subdivisions of par. (b), not par. (a).

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. ATCP 69.02 (1) (b) 1., the term “short course” appears vague. Is it clear what courses are included in this term and what are not? Could it be made explicit?

b. The term “bulk transport container” is defined in s. ATCP 80.01 (1g). The term is almost indistinguishable from the currently defined term, “bulk milk tanker.” It is used only once in ch. ATCP 80 in a context that applies also to bulk milk tankers. Consequently, the term does not seem necessary. (Clearinghouse Rule 01-125 also uses this term, in ch. ATCP 60, this time without definition; again, it is not clear that both terms are necessary.) If there is a real distinction being made with these terms, it should be made more clear.

c. What is meant by the undefined term “culinary steam,” used in s. ATCP 80.08 (8) (f) and elsewhere? Perhaps this term should be defined.

d. In s. ATCP 80.08 (8) (f), the words “limited use” are superfluous and should be omitted. Also, the word “under” should be replaced by “in compliance with.”

e. In s. ATCP 80.10 (1) (d) (intro.), the word “exposed” should be omitted since, if a person is in compliance with that provision, the lesion will not be exposed.

f. In s. ATCP 80.12 (1) (g), the phrase “to eliminate vibration” is unnecessary.

g. In s. ATCP 80.22 (5) (a) 3., what is meant by “product or temperature abuse”? Can more descriptive language be provided?

h. In both current and proposed s. ATCP 80.24 (3) (a), there appears to be no standard for bacterial count in frozen desserts containing nuts or other bulky flavors. Is that the intent?

i. A note following s. ATCP 80.52 (6) (a) providing the pertinent contact information might be a useful addition to the rule.